

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF LOUISIANA**

UNITED STATES OF AMERICA

v.

NEMIAS MARCIAS-SALINA

*** CRIMINAL DOCKET NO. 08-060**

*** SECTION: "B"**

*** VIOLATIONS: 18 U.S.C. § 1546(a)
42 U.S.C. § 408(a)(7)(B)**

*** * ***

FACTUAL BASIS

Should this matter have gone to trial, the government would have proven beyond a reasonable doubt through the introduction of competent testimony and admissible tangible exhibits, the following to support the allegations charged by the government as to Count One in the Two Count Indictment now pending against the defendant, **NEMIAS MARCIAS-SALINA** (hereinafter "**MARCIAS-SALINA**");

An Immigration and Customs Enforcement (ICE) Special Agent would testify that, on or about February 23, 2008, the defendant was found in the United States in Kenner, Louisiana after being arrested by the Kenner Police Department. When asked to identify himself by the ICE Agent, the defendant presented an Employment Authorization Card (also known as a Form I-766) bearing

number 045-897-432, that was in his possession. The said Employment Card was in the name of another individual with the initials “R.A.” Defendant was *Mirandized* by the ICE Agent and then stated that his real name is **NEMIAS MARCIAS-SALINA**, that he is a citizen and national of Honduras and he produced a Honduran Identification Card bearing the same name.

The ICE Agent would further testify that the defendant admitted using the name “R.A.” while in the United States, and that he knowingly purchased the Employment Authorization Card bearing number 045-897-432 with the initials “R.A.” for \$50.00 in Loxley, Alabama for the purposes of employment in the United States. Defendant did not know who manufactured the card.

An ICE representative would further testify that Employment Authorization Card bearing number 045-897-432 with the initials “R.A.” was verified by an ICE Forensic Document Laboratory as being a counterfeit reproduction.

READ AND APPROVED:

NEMIAS MARCIAS-SALINA (Date)
Defendant

SAMUEL SCILLITANI (Date)
Counsel for Defendant

EDWARD J. RIVERA (Date)
Assistant United States Attorney